

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310-JRG

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE
SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF**

Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC (collectively, “CommScope”) and Nokia of America Corp., Nokia Corp. and Nokia Solutions and Networks Oy (collectively, “Nokia”) (together, “Defendants”) respectfully request that the Court grant them leave to file a two-page supplemental claim construction brief. Good cause exists to grant Defendants’ motion because new facts arose after Defendants filed their Responsive Claim Construction Brief on May 6, 2022. Dkt. No. 135.

In particular, two days ago, on May 25, 2022, TQ Delta filed its Patent Owner’s Preliminary Responses in *inter partes* review (“IPR”) proceedings initiated by CommScope and Nokia relating to U.S. Patent No. 8,462,835 (the “’835 patent”).¹ In the Preliminary Responses,

¹ TQ Delta’s Patent Owner’s Preliminary Responses are attached to Defendants’ proposed supplemental claim construction brief as Exhibits 37 and 38.

TQ Delta proposed a different construction of the term “flag signal” to the PTAB than it has proposed to the Court in this case. Ex. 37 at 9. TQ Delta also spends three pages of the Preliminary Responses criticizing Judge Andrews’s construction of “flag signal” in Delaware, *id.* at 5–9, despite claiming in prior briefing that its proposed construction here was “agreed-to in the Delaware case.” Dkt. No. 124 at 21. To the contrary, TQ Delta’s construction of “flag signal” here is different than what Judge Andrews adopted and was not agreed to by the parties in Delaware.

Given these new developments, Defendants respectfully request that they be permitted to file their supplemental claim construction brief, along with TQ Delta’s Preliminary Responses, so that the Court has the benefit of a complete record at the upcoming *Markman* hearing in this matter.

Dated this 27th day of May, 2022

Respectfully submitted,

By: /s/ Eric H. Findlay
Eric H. Findlay
State Bar No. 00789886
Brian Craft
State Bar No. 04972020
FINDLAY CRAFT, P.C.
102 N. College Ave, Ste. 900
Tyler, TX 75702
903-534-1100 (t)
903-534-1137 (f)
efindlay@findlaycraft.com
bcraft@findlaycraft.com

Douglas J. Kline
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
P: (617) 570-1000
F: (617) 523-1231
dkline@goodwinlaw.com

Brett Schuman

Rachel M. Walsh
GOODWIN PROCTER LLP
Three Embarcadero Center, 28th Floor
San Francisco, CA 94111
P: (415) 733-6000
F: (415) 677-9041
bschuman@goodwinlaw.com
rwalsh@goodwinlaw.com

Andrew Ong
GOODWIN PROCTER LLP
601 Marshall St.
Redwood City, CA 94063
P: (650) 752-3100
F: (650) 853-1038
aong@goodwinlaw.com

Counsel for Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology, Inc., and ARRIS Enterprises, LLC

/s/ M. Scott Stevens
M. Scott Stevens (NC Bar # 37828)
Karlee Wroblewski (NC Bar # 55043)
Nic Marais (NC Bar # 53533)
ALSTON & BIRD LLP
One South at the Plaza
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280
Tel: 704.444.1000
Fax: 704.444.1111
Email: scott.stevens@alston.com
Email: karlee.wroblewski@alston.com
Email: nic.marais@alston.com

John D. Haynes (GA Bar # 340599)
Michael Deane (GA Bar # 498195)
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Suite 4900
Atlanta, GA 30309
Tel: 404.881.7737
Fax: 404.881.7777

Email: john.haynes@alston.com
Email: michael.deane@alston.com

Adam Ahnhut (TX Bar # 24106983)
ALSTON & BIRD LLP
Chase Tower
2200 Ross Avenue, Suite 2300
Dallas, TX 75201
Email: adam.ahnhut@alston.com
Tel: 214.922.3400
Fax: 214.922.3899

***Counsel for Defendants Nokia Corporation,
Nokia Solutions and Networks Oy, and Nokia
of America Corporation and Third-Party
Plaintiff, Nokia of America Corporation***

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel on May 27, 2022.

/s/ Eric H. Findlay
Eric H. Findlay

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Defendants have complied with the meet and confer requirement in Local Rule CV-7(h) on May 27, 2022. Plaintiff's counsel indicated that Plaintiff does not oppose this motion.

/s/ Eric H. Findlay
Eric H. Findlay